

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 17, 2001

DIVISION ONE

B146835 Sylvester (Not for Publication)
v.
Public Employee's Retirement System

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Todd, J., Ashmann, J. and G. Villanueva, Deputy Clerk.

Each of the following:

B145937 People v. Hernandez
B149941 People v. Badillo
B148000 People v. Blackstone
B147876 People v. Cruz
B140804 People v. Harris
B148191 People v. Floyd
B146924 Estate of Tiernan v. L.A. County
B146008 DST Distrib. v. Vargas
B148213 SMS Financial v. Benigno

Argument waived, cause submitted.

DIVISION TWO (Continued)

B148391 People
 v.
 Barnes

Merits:

Argued by Murray Rosenberg for appellant and by David Voet, deputy attorney general, for respondent. Cause submitted.

B140484 Markel
 v.
 City of Los Angeles

Merits:

Argued by Gregory Orland, deputy city attorney, for appellant and by Mathew Biren for respondent. Cause submitted.

B145177 Egerstrom, et al
 v.
 Topa Insurance

Merits:

Argued by Gretchen Carpenter for appellants and by Mark Flory for respondent. Cause submitted.

Court recessed

Court convened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Todd, J. and Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B149781 People v. Ortiz
B147735 People v. Rodriguez
B148529 People v. Datreon M.
B150526 In re Nijah W.
B153675 Carmen J. v. S.C.L.A.
B145556 DCFS v. Joann L.
B150135 DCFS v. Maria C.
B146233 Melnik, et al v. Fields, et al

Argument waived, cause submitted.

B146387 Morse
v.
HimcoNat'l Inc., et al

Merits:
Argued by William Litvak for appellant and by Craig Fields for respondents. Cause submitted.

B144005 Citrus Center
v.
Van Maanen, et al

Merits:
Argued by David Grant for appellants and by Thomas Weiss for respondent. Cause submitted.

B145511 Volpe
v.
B.P. Properties Mgmt.

Merits:
Argued by Jean Wilcox for appellant and by John Fuchs for respondent. Cause submitted.

DIVISION TWO (Continued)

B142782 Koretoff
 v.
 Ballantine, et al

Merits:

Argued by Peter Kunstler for appellant, by Jeffrey Witham for respondent Ballantine, by Michael Magloff for respondent Tyre and by Kevin Brogan for respondent Rutan & Tucker. Cause submitted.

B139294 Luri
 v.
 First Federal Bank, et al

Merits:

Argued by Sheldon Kaufman for appellant, by Lawrence Abelson for respondent First Federal Bank, by Neil Gunny for respondent Creighton and by Thomas Dressler for respondent Lennartson. Cause submitted.

B153382 Richard Fine
 v.
 Superior Court, Los Angeles County

Habeas Corpus.

Presented by Richard Fine, petitioner in propria persona and by Brenda McCormick for respondent. Cause submitted.

Court adjourned.

December 17, 2001-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B142132 Juniper Wiley (Not for Publication)
v.
Board of Trustees of California State University et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

December 17, 2001-Continued

DIVISION FIVE (Continued)

B148313 People (Not for Publication)
v.
Ricky Ross

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B146720 People (Not for Publication)
v.
Raville

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B149420 People (Not for Publication)
v.
Seabolt

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

December 17, 2001-Continued

DIVISION SIX (Continued)

B148050 Coppa (Not for Publication)
v.
Olive Hunters Entertainment, Inc.

The judgment is affirmed. Costs are awarded to Olive Hunters.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B142690 White (Not For Publication)
v.
Graham

Filed order modifying opinion (No change in the judgment). Appellants' petition for rehearing is denied.

B146725 In re Edward James Willard (Not for Publication)
on
Habeas Corpus

Affirmed in part; reversed in part.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

December 17, 2001-Continued

DIVISION SIX (Continued)

B148736 People (Not for Publication)
v.
Bustillos

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B144151 People (Not for Publication)
v.
Ceja

The judgment of conviction is affirmed. The case is remanded for resentencing consistent with this opinion.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B146182 People (Not for Publication)
v.
Wilson

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

December 17, 2001-Continued

DIVISION SIX (Continued)

B147339 Cole (Not for Publication)
v.
County of Santa Barbara

The judgment is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B140097 Hillcrest-Thousand Oaks Associates (Not for Publication)
v.
DSD Construction, Inc.

We reverse the judgment. We remand to the trial court for further action, including retrial, solely to resolve the section 7044, subdivision (b) exemption issue. Because no further proceedings are necessary for the determination of liability or damages, retrial shall be for the limited purpose of determining whether Hillcrest qualifies for the exemption under section 7044, subdivision (b) on the basis of its contract with DSD. We affirm the dismissal of DSD's cross-complaint and denial of ICW's motion for summary judgment. Each party to bear its own costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B147638 Dekofsky (Not for Publication)
v.
Brea Range, Inc.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.